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Pêches et Océans Canada

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GCCMS #: 2018-014-00235

EKME #: 3950289

File / Dossier AC-1056-2018-6/E001

To: Catherine Blewett Date:
Pour:

Object: **DM DRAFT- PERFORMANCE AUDIT ON THE PROTECTION OF MARINE**
Objet: **MAMMALS**

From: *ff* Nicole Primeau, Chief Audit Executive AUG 10 2018
De: *fn*
Via:

Additional approvals:
Autre(s) approbation(s):

<input type="checkbox"/>	Material for the Minister Documents pour le Ministre	<input checked="" type="checkbox"/>	Your Signature Votre signature	<input type="checkbox"/>	Information
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Screen:
Filtre:

Remarks: This briefing note was developed by Internal Audit Directorate
Remarques:

Distribution: Philippe Morel, Assistant Deputy Minister, Aquatic Ecosystems
Sylvie Lapointe, Assistant Deputy Minister, Fisheries and Harbour
Management
Arran McPherson, Assistant Deputy Minister, Ecosystems and Oceans
Science
Andy Smith, Deputy Commissioner, Strategy and Shipbuilding
Mario Pelletier, Deputy Commissioner, Operations
Stephen Sharzer, Senior General Counsel, Legal Services
Marian Hubley, Director General, Communications

Drafting Officer/ Rédacteur: France Baril (613-482-0581)/ L. Levita/ cak



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Internal Audit
Directorate

Direction générale de
la vérification interne

PROTECTED A

2018-014-00235
EKME #:3950289

MEMORANDUM FOR THE DEPUTY MINISTER

**DM DRAFT - PERFORMANCE AUDIT ON THE
PROTECTION OF MARINE MAMMALS
(FOR DECISION)**

SUMMARY OF ADVICE TO DEPUTY MINISTER

The purpose of this note is to seek your concurrence on the proposed departmental comments, final responses to the audit recommendations, and obtain your signature on the letter to the Commissioner of the Environment and Sustainable Development (CESD) in response to her office's Transmission (DM) draft report for the Performance Audit on the Protection of Marine Mammals (Tab 3).

As you are aware, certain findings and recommendations, as they were worded in previous iterations of the report, were of concern to the sectors involved in this audit. The majority of the initial points of contention have been resolved following discussions between the CESD audit team and departmental representatives. However, following the review of the revised report, the sectors involved in the audit have highlighted new inaccuracies and are proposing changes to the report for consideration by the CESD audit team.

The Department's response to the DM draft is attached for your review and signature (Tab 1). As per its usual protocol, the CESD has requested the Department's official response to the DM draft within two weeks of receipt of the draft, thus no later than August 15, 2018.

BACKGROUND

On September 8, 2017, the Office of the Commissioner of the Environment and Sustainable Development (CESD) advised the Department via an intent letter that it would be conducting a Performance Audit of Impacts of Marine Transport on Marine Mammals, for tabling in the Fall 2018 Report of the CESD. During the reporting phase, the audit's title was changed to the Performance Audit on the Protection of Marine Mammals.

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The objective of the audit was to determine whether Fisheries and Oceans Canada (DFO), Transport Canada, Parks Canada, and Environment and Climate Change Canada (ECCC) have adequately protected marine mammals from the threats posed by marine vessels and commercial fishing activities. The audit focused on the most significant risks posed to marine mammals, including threats by commercial fishing, such as entanglement in fishing gear, bycatch, depletion of prey species; and threats by marine vessels, notably collisions with ships, oil spills, and chronic underwater noise and disturbance in Canadian waters.

On December 8, 2017, the CESD provided the audited entities with a draft Audit Plan Summary (APS), outlining the proposed objectives, criteria and timelines for the audit. Following the release of the final APS, the CESD audit team interviewed responsible officials and external stakeholders, and undertook on-site discussions on the West Coast and the East Coast. The audit team also reviewed documentation and examined legislative and regulatory processes through a number of information requests made to sectors across the Department.

On May 22, 2018 the CESD concluded the examination phase of this audit and issued their PX Draft report. The Department submitted its comments on the PX Draft (GCCMS 2018-014-00179) on June 14, 2018, in which it expressed concerns with the findings contained in this version of the report, and requested a number of changes to both the report and its recommendations. Following several discussions with Departmental officials, the CESD released a revised list of recommendations on June 29, 2018, followed by additional revisions to three of the five recommendations on July 11, 2018.

On July 31, 2018, the CESD issued its DM Draft of the report to the Department, for final vetting and approval. Overall, the audit notes that the audited entities had not fully applied existing policies and tools to proactively manage threats to marine mammals from commercial fishing and marine traffic, such as entanglements, bycatch, noise and disturbance, oil spills and collisions with vessels. The report also states that DFO lacked the resources and training to effectively support the persons and organizations working to respond to distressed marine mammals.

Through this report, the CESD has made five recommendations, which the Department agrees with in principle. These recommendations focused on the implementation of recovery measures for marine mammals (1), the use of marine protected areas as a means for protection (2), the policy on managing bycatch (3), measures to protect marine mammals from marine vessels (4), and support for a third party national approach for the Marine Mammals Response Program (5). The Department currently has a number of initiatives underway that will address these recommendations.

The audit report is expected to be tabled in Parliament in the Fall of 2018.

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STRATEGIC CONSIDERATIONS

Throughout the course of the audit, Departmental officials have tried to ensure that the CESD team had a full understanding of the ongoing work in relation to the protection of marine mammals within the Department, so that the findings and final recommendations reflected this. As noted above, several issues were resolved following numerous discussions between the CESD audit team and departmental representatives. While the CESD has modified its report to recognize departmental efforts to address the protection of marine mammals throughout the document, sectors have identified many new factual inaccuracies throughout the document (Tab 1a).

One point of contention is the new wording contained in the overall finding statement indicating that DFO lacked the resources and training to effectively support the persons and organizations working to respond to distressed marine mammals. This statement was not included in previous iterations of the report, and the Department was not given the opportunity to comment on it. Fisheries and Harbour Management officials have noted that this statement is inaccurate, citing significant investments since 2009. Other inaccuracies relate to recovery measures, use of marine protected areas, and references to certain Acts.

In order to address these outstanding issues, the Internal Audit Directorate will follow-up with the CESD audit team to determine how they will address the proposed changes in the final report before tabling. Once outstanding issues have been resolved, a letter stating that the report is factually accurate will be sent out to the CESD, as requested.

ADVICE AND RECOMMENDATIONS TO DEPUTY MINISTER

In accordance with the Treasury Board guidance with respect to the engagement of ministers on audits performed by the OAG/CESD, and the related departmental protocol, a verbal briefing with ministerial staff will be offered. As per our usual process, a memo to inform the Minister was also prepared under a separate cover (GCCMS #2018-014-00236).

It is to be noted that approximately three weeks before tabling, the CESD will send an invitation letter to the Minister, with a copy to you, to discuss the audit. If the invitation is accepted, you would be informed by the CESD, and the meeting would be scheduled one or two weeks before the report is tabled in Parliament.

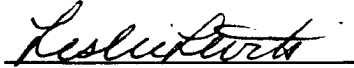
The Communications Branch will be developing, in the upcoming weeks, the appropriate communication material related to the Fall tabling of the CESD report for your review and approval.

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PROTECTED A

It is recommended that you sign the attached response letter (Tab 1) to the CESD by the due date of August 15, 2018. Once outstanding issues have been resolved, a second letter stating that the report is factually accurate will be sent out to the CESD, as requested.


Nicole Primeau
Chief Audit Executive

- ☒ I concur with the recommendations
- ☐ I do not concur with the recommendations

Catherine Blewett
Deputy Minister


Kevin Stringer
Associate Deputy Minister

AUG 10 2018

Attachments (4)

1. Response Letter from DM to CESD (for signature)
 - a. Table of comments
 - b. Response to Recommendations
2. CESD Letter to DM
3. CESD – Transmission Draft (OAG Controlled Document – to be returned to IAD)
4. ADM Approvals

TAB 1



**Fisheries and Oceans
Canada**

**Pêches et Océans
Canada**

Deputy Minister

Sous-ministre

**Ms. Kimberley Leach
Principal
Office of the Auditor General of Canada
240 Sparks Street
Ottawa, Ontario K1A 0G6**

Dear Ms. Leach:

This is in response to your letter dated July 31, 2018, regarding your Performance Audit on the Protection of Marine Mammals, which will be included in the Fall 2018 Reports of the Commissioner of the Environment and Sustainable Development.

I have reviewed the transmission draft chapter for this audit. In my capacity as the Deputy Minister for Fisheries and Oceans Canada, I confirm that the draft chapter generally presents audit findings that are factually based. However, you will find enclosed proposed revisions to a number of paragraphs contained in the chapter, which the Department feels will further improve the accuracy and clarity of the report.

The final responses to the audit recommendations, and proposed revisions to certain paragraphs within the chapter are enclosed.

Should you require any additional information, please do not hesitate to contact Nicole Primeau, Chief Audit Executive at 613-949-0303.

Yours sincerely,

**Catherine Blewett
Deputy Minister**

c.c.: Julie Gelfand, Commissioner of the Environment and Sustainable Development

Attachments (2):

- 1) Table for Comments on Transmission Draft**
- 2) Table in Response to Recommendations**

**Ottawa, Canada
K1A 0E6**

Canada

TAB A

TABLE FOR COMMENTS

DEPUTY MINISTER'S TRANSMISSION DRAFT (DM DRAFT) PERFORMANCE AUDIT ON THE PROTECTION OF MARINE MAMMALS

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
Throughout the document (i.e. paragraphs 4, 8, 13, 62, 69...)	The reference to "Canadian waters" in multiple places should be changed to "Canadian fisheries waters" as per the legislation.	
2	Because of the scope of the audit, should be clear that commercial harvest is not what is intended in this section. This is supported by the list following the statement.	...direct threats such as interaction with commercial fishing and...
12, 80 & 82	With regard to the comment that DFO lacked resources and training to support organizations responding to marine mammal, the Department disagrees as it appears that recent investments in training and equipment have not been taken into account	The Department disagrees with this finding. DFO has invested significant resources since 2009 to train fishery officers on disentanglement support, stranding response, and sea turtle response. It has also purchased equipment to support these activities. The Department has also developed operational procedures and safe work procedures to guide the work during these activities. These investments are supported by the \$1 million envelope received by the Conservation and Protection Program under the Oceans Protection Plan.
15 and 24	It is inaccurate to say that DFO cannot demonstrate that they have implemented "any recovery measures to reduce the threats posed by commercial fishing and marine traffic for 11 of the 14 species listed as EN or TH" and it is not clear how this conclusion	Change wording to remove reference to DFO not being able to demonstrate that they have implemented any recovery measures for 11 species.

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
	<p>was reached.</p> <p>Information on progress reports on the implementation of the Recovery Strategies for the species listed below were all published within the timeframe of the audit. While we may not have implemented all the proposed recovery measures related to fishing and marine vessels, the progress reports would show that we have taken some action, so stating that we have not taken any action is not accurate.</p> <ul style="list-style-type: none"> - Blue Whale (Atlantic) - Blue Whale (Pacific) - Killer Whale (Southern Resident) - Right Whale (North Atlantic) - Northern Bottlenose Whale (Scotian Shelf) - Sei Whale (Pacific) - Fin Whale (Pacific) - Killer Whale (Northern Resident) - Killer Whale (Transient) 	
18 – 3 rd sentence	<p>Once species are listed as <u>extirpated</u>, endangered or threatened, <u>individuals</u> of these species are protected from being killed, harmed, captured, taken or harassed (see subsection 32(1) of SARA)</p>	
18 – 4 th sentence	<p>Under the Act, the <u>Minister of Fisheries and Oceans</u> is <u>competent minister for aquatic species</u>, <u>other than</u> individuals in or on federal lands administered by the Parks Canada Agency (see definition of “competent minister” in subsection 2(1) of SARA.)</p>	
18 – 5 th	<p>For each species listed as <u>extirpated</u>, endangered or</p>	

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
sentence	threatened, the competent minister(s) must develop recovery strategies within timelines set out in SARA (see sections 37 and 42 of SARA)	
18 – 6 th sentence	<u>The competent minister(s) must also, within timelines set out in the recovery strategy, prepare one or more action plans based on the recovery strategy stating the measures that are to be taken to implement the recovery strategy (see section 47 and paragraphs 49(1)(d) and 41(1)(g) of SARA)</u>	
28 & 36	For each MPA, important biological and ecological features are identified and considered for the area. When whales are identified as an important feature in the area, then the MPA is built to provide protection to these species.	Recommend making reference to the fact that MPA restrictions are based on the conservation objectives for the area (i.e., identified important features identified through scientific processes and consultations).
31	These types of MPAs are not all established under the Oceans Act. Also, MPAs are only able to offer protection when they overlap with habitat.	Clarify that the marine protected areas are established under different legislations (e.g., Oceans Act for DFO, Canada National Marine Conservation Areas Act for Parks Canada, Canada Wildlife Act for ECCC) ..they may be able to protect key habitat areas when overlap with feeding, Replace the word "control" with "restrict". Also, specify what element of vessels is being referred to.
32	This statement about power to control is of concern. The Acts that govern MPAs do not all have "control" over commercial fishing and vessels (and what elements of vessels? Does this refer to travel? navigation? Something else? A word is missing here). For example there are elements related to vessels that we do not regulate through the MPA regulations	

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
42	<p>(such as vessel condition to prevent leaks).</p> <p>During previous discussions we were told that in this DM draft we would have the opportunity to slightly amend the wording of this CESD recommendation to capture MPA networks.</p> <p>Our rationale for the proposed amendment is that MPA networks can provide a more efficient means of protecting important features within a large scale MPA network planning area (known as a bioregion), than individual sites can alone. For migratory or wide ranging species in particular (such as marine mammals), MPA networks provide a means to protect the various habitats that the species rely on (e.g., feeding grounds and nursery areas).</p> <p>Please see proposed changes to the recommendation in the next column.</p>	<p>In the first bullet of the recommendation, instead of stating “marine protected areas”, please state “marine protected area networks”.</p>
42	<p>Further to the above, we have comments on DFO’s “agreement statement” to reflect the MPA network approach. (Assuming the edits above are taken)</p>	<p>Edit the last sentence of the first paragraph to say: “... through developing networks of marine protected areas and other effective area-based conservation measures, and using other tools such as vessel navigation restrictions.”</p>
56	<p>The Department has noted that CESD has included references to recent measures that have been implemented for 2017/18, has listed these measures in the document (noting they are not part of the audit), and have acknowledged these new measures may address some of the challenges.</p>	<p>No proposed changes.</p>

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
69	Unclear basis for number of potential ship strikes. Should quote the report posted on-line with the outcome of the necropsies : http://www.cwhc-rcsf.ca/right_whales.php	Necropsy results suggest 4/7 animals died as a result of trauma.
Exhibit 4	Should reflect that necropsies were completed with partners. See website above.	

TAB B

**FISHERIES AND OCEANS CANADA
WORKING TABLE IN RESPONSE TO RECOMMENDATIONS
PERFORMANCE AUDIT ON MARINE MAMMALS**

RECOMMENDATION INFORMATION	SECTOR RESPONSIBLE FOR THE ACTION PLAN
<p>Recommendation 1 (par 29)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: Fisheries and Oceans Canada will work to the extent possible, within the confines of partner willingness and available resources, to implement the recovery measures identified in Species at Risk action plans to reduce the threats faced by marine mammals from commercial fishing activities and marine vessels. Wherever possible, efforts will be made to implement actions consistent with timeframes established in the action plans. These action plans will be revisited in the event that the Department is unable to implement or commit to the measures.</p> <p>Reporting on the progress of implementation of recovery actions will occur five years after approval of the action plan as required under the <i>Species at Risk Act</i>. Where possible, this report will include an evaluation of the effectiveness of the implemented measures towards reducing the threats associated with commercial fishing activities and marine vessels and advancing recovery of the populations. Given the long generation time of most marine mammals and the need for ongoing monitoring and new scientific information in order to assess effectiveness, demonstrating progress on effectiveness of actions could, in many cases, require timeframes longer than five years.</p> <p>Implementation date: Implementation of many recovery actions are already underway and will continue; Fisheries and Oceans Canada will review outstanding recovery measures related to the reducing threats to threatened and endangered marine mammals from commercial fishing and marine traffic and develop a plan with priorities, targets, and timelines to implement these measures to the extent possible working with partners and available resources. A plan will be developed by the end of 2018-19 fiscal year.</p>	<p>Aquatic Ecosystems/Ecosystems and Oceans Science/Fisheries and Harbour Management</p>

<p>Reporting on progress against action plans will be conducted in five year intervals as required under the <i>Species at Risk Act</i>.</p>	
<p>Recommendation 2 (par 50)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation:</p> <p>DFO is committed to protecting and conserving Canada's oceans, including significant ecological species such as marine mammals and their habitats. Building on its existing programs and policies, DFO will continue to collaborate with ECCC, PCA and TC on implementing measures to protect marine mammals, including threat reduction through a combination of protection tools such as <i>Oceans Act</i> MPAs, marine refuges under the <i>Fisheries Act</i>, and vessel navigation restrictions.</p> <p>When marine mammals are identified as an ecologically and biologically significant component in Areas of Interest (AOI) for proposed designation as an <i>Oceans Act</i> MPA, they will be included in the conservation objectives developed for the AOI and the design of the <i>Oceans Act</i> MPA (boundaries, allowed/prohibited activities) will focus on their protection.</p> <p>DFO notes that achieving protection of marine mammals in Canada requires action and support across all sectors, all government levels and Indigenous Peoples.</p> <p>Implementation date: Implementation of measures is underway and will continue, to the extent possible, as marine protected areas are identified, established, and managed.</p>	<p>Aquatic Ecosystems/Ecosystems and Oceans Science/Fisheries and Harbour Management</p>
<p>Recommendation 3 (par 56)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: DFO is committed to protecting and conserving marine mammals in Canadian waters. Building on its existing programs and policies, DFO will continue its work to update IFMPs with the appropriate information such as the specific protection measures including gear modifications, dynamic closures of fishing areas, and mandatory</p>	<p>Fisheries and Harbour Management/Aquatic Ecosystems/Ecosystems and Oceans Science</p>

<p>reporting of lost gear. These measures were put in place during the audit period and included in 2018 management plans. To support the implementation of Sustainable Fisheries Framework policies such as the policy on Managing Bycatch, the government made significant investments in Budget 2017 which are enabling an accelerated pace of implementation.</p> <p>Implementation date: 2018 and ongoing</p>	
<p>Recommendation 4 (par 71)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: Fisheries and Oceans Canada will continue to work cooperatively with our partners, including Transport Canada and Environment and Climate Change Canada, to review, assess and recommend the implementation of measures to address threats posed by marine vessels to marine mammals. Fisheries and Oceans Canada plays an important role in the evaluation of measures to determine the sufficiency and efficacy of measures to address threats from marine vessels for the protection of marine mammals. Fisheries and Oceans Canada will continue to build on Government of Canada investments in the Oceans Protection Plan including measures to reduce impacts to marine mammals from marine vessels. The Canadian Coast Guard will continue to work cooperatively within the parameters of its mandate to support measures to address threats from marine vessels for the protection of marine mammals.</p> <p>Implementation date: Implementation of measures is underway and will continue, to the extent possible, as potential impacts to marine mammals from marine vessels are identified and assessed.</p>	<p>Aquatic Ecosystems/Ecosystems and Oceans Science/Fisheries and Harbour Management/Canadian Coast Guard</p>
<p>Recommendation 5 (par 82)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: While DFO agrees in principle with the recommendation, it does not fully reflect the significant increases in funding and program modernization which as noted in the audit occurred during the final year of the audit period. The</p>	<p>Fisheries and Harbour Management/Aquatic Ecosystems</p>

government has announced \$1 million in annual ongoing funding to support third-party responder groups in doing their critical work. In addition, \$4.5 million over three years will be invested in enhancing the available capacity of third-party responder groups to respond to incidents when they occur. This will include enhanced capacity for existing partners, and the identification and training of new partners. Such training takes many years to complete.

Further, through collaboration and consultation with international experts including the Canadian third-party responder network, a national protocol for response has been developed with clearly defined roles and responsibilities and reporting requirements. These approaches have been developed in a manner that provides national coherence while recognizing the unique geographic differences on the coasts, the specific entanglement and animal involved, and responder expertise. they reflect the fact that each marine mammal response is unique and that responders must be permitted to make real-time decisions to achieve a successful rescue and ensure that human safety is paramount. Implementation of these measures began in 2017 and is well underway, for example, the March 2018 announcement of \$1 million in support of the MMRP.

Finally, Fisheries and Oceans Canada has also significantly invested in the training of its fishery officers since 2009 in order for them to support experts in a safe and timely manner when responding to marine mammal incidents. Under the Oceans Protection Plan, Fisheries and Oceans Canada received \$1 million to further train and equip its officers. A training curricula has been established based on advice received from international experts. Procedures are also in place to guide their work during operations.

Implementation date: Prior to June 2018

Tab 2



Office of the
Auditor General
of Canada

Bureau du
vérificateur général
du Canada

31 July 2018

Ms. Catherine Blewett
Deputy Minister
Deputy Minister's Office
Fisheries and Oceans Canada
200 Kent Street, 15th Floor, Suite S009
Ottawa, Ontario K1A 0E6

Dear Ms. Blewett:

We are providing you and the persons identified by your department with electronic access to English and French versions of the transmission draft report on our performance audit of Marine Mammals for inclusion in the Fall 2018 Reports of the Commissioner of the Environment and Sustainable Development.

This draft audit report takes into account the results of discussions with you and your officials and with officials of the entities audited. The draft audit report also contains our recommendations and some of the draft responses from your department. We are satisfied that the audit findings in this draft are factually based.

Please note that any highlighted text will be reproduced in *At a Glance*, the Office of the Auditor General of Canada's online report navigation tool.

To meet our report production deadlines, it is essential that we receive in writing, by **15 August 2018**, your agreement that this draft audit report is factually accurate and that your responses to our recommendations are final. We have enclosed an acknowledgement letter template for your convenience.

If for any reason we do not receive your confirmation by **15 August 2018**, we will print the following text at each point in the report where your response to our recommendation would normally appear:

Fisheries and Oceans Canada did not confirm the facts in this report or provide a response to this recommendation in time to meet our publication deadline.

We expect that any concerns you may have about anything in the report will have been brought to our attention well in advance of the stated deadline. Therefore, we fully expect to publish your responses and not the above text.

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The draft audit report is a controlled document and must be kept confidential. It is labelled "NOT TO BE COPIED, Property of the Office of the Auditor General of Canada, Protected A." Therefore, until the final report is tabled in the House of Commons, please treat the draft audit report accordingly.

Please note that the draft audit report you are receiving will undergo additional proofreading and formatting before being presented for tabling, including a side-by-side comparison of the English and French versions to ensure the accuracy of the translation. As such, we ask you to focus your review on the accuracy of the facts and refrain from recommending stylistic edits.

About three weeks before tabling, our Office will send the invitation letter to your Minister, inviting him to meet with the Commissioner of the Environment and Sustainable Development. The meeting would be held one or two weeks before the report is tabled in Parliament. We will inform you if the Minister accepts the invitation.

If you have any questions or would like to discuss any aspect of this draft audit report, we would be pleased to meet with you. Please call me or the audit director, Elsa Da Costa, at 613-995-3708.

Yours sincerely,



Kimberley Leach
Principal (responsible for the audit)

Enclosure: Acknowledgement letter template

c.c.: Ms. Nicole Primeau, Chief Audit Executive, Internal Audit Directorate
Sharon Clark, OAG Principal (responsible for Fisheries and Oceans Canada)

ACKNOWLEDGEMENT LETTER

[Date]

**Ms. Kimberley Leach
Principal
Office of the Auditor General of Canada
240 Sparks Street
Ottawa, Ontario K1A 0G6**

Dear Ms. Leach:

This is in response to your letter dated 31 July 2018, regarding your performance audit of Marine Mammals, which will be included in the Fall 2018 Reports of the Commissioner of the Environment and Sustainable Development.

I have reviewed the transmission draft report for this audit. In my capacity as the Deputy Minister of Fisheries and Oceans Canada, I confirm that the draft audit report is factually accurate.

[Please add comments if you disagree with any statements in the audit report, specifying where and why you disagree.]

The final responses to the audit recommendations, in English and French, are enclosed.

Yours sincerely,

**[Name]
[Title of Deputy Head]**



Bureau du
vérificateur général
du Canada

Office of the
Auditor General
of Canada

Le 31 juillet 2018

Madame Catherine Blewett
Sous-ministre
Cabinet du sous-ministre
Pêches et Océans Canada
200, rue Kent, 15^e étage, bureau S009
Ottawa (Ontario) K1A 0E6

Madame,

Nous vous donnons accès, à vous et aux personnes désignées par votre ministère, à la version électronique des ébauches en français et en anglais du rapport portant sur notre audit de performance sur les mammifères marins, qui fera partie des rapports de l'automne 2018 de la commissaire à l'environnement et au développement durable.

La présente ébauche de rapport d'audit reflète les résultats des discussions que nous avons eues avec vos représentants et vous-même de même qu'avec les représentants des autres entités visées. L'ébauche comprend également nos recommandations ainsi que certaines réponses provisoires que votre ministère nous a fournies. Nous considérons que les constatations d'audit présentées dans cette ébauche sont basées sur des faits.

Veuillez noter que les sections surlignées seront reproduites dans le *Survot*, un outil de navigation en ligne du Bureau du vérificateur général du Canada.

Afin que nous puissions respecter nos échéances de production, il est impératif que nous recevions, par écrit, d'ici le **15 août 2018**, une confirmation de votre part que les faits présentés dans l'ébauche de rapport d'audit sont exacts et que vos réponses à nos recommandations sont définitives. À toutes fins utiles, nous incluons un modèle de lettre de réponse.

À défaut de recevoir votre confirmation d'ici le **15 août 2018**, pour quelque raison que ce soit, nous publierons le texte suivant partout dans le rapport où votre réponse aurait normalement figuré :

Pêches et Océans Canada n'a pas confirmé les faits exposés dans le présent rapport ni répondu à cette recommandation dans les délais prévus.

Nous nous attendons à ce que toutes les préoccupations à propos de quoi que ce soit dans le rapport aient été portées à notre attention bien avant la date d'échéance indiquée. Par conséquent, nous nous attendons bien à publier vos réponses et non le texte ci-dessus.

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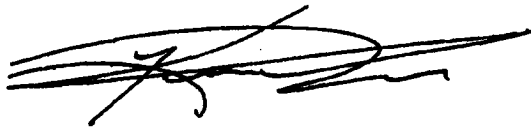
L'ébauche de rapport d'audit est un document contrôlé dont la confidentialité doit être assurée. Elle porte la mention « COPIE INTERDITE, Propriété du Bureau du vérificateur général du Canada, Protégé A ». Par conséquent, jusqu'à ce que le rapport définitif soit déposé à la Chambre des communes, veuillez traiter cette ébauche de rapport d'audit en conséquence.

Veuillez noter que les ébauches de rapport font l'objet d'une correction d'épreuves, avant d'être mises en page et soumises en vue du dépôt du rapport et qu'une comparaison soigneuse des versions anglaise et française est effectuée pour vérifier la fidélité de la traduction. Vous êtes donc priés d'examiner l'exactitude des faits et de ne pas recommander de révisions stylistiques.

Environ trois semaines avant le dépôt du rapport, notre bureau fera parvenir à votre ministre une lettre l'invitant à rencontrer la commissaire à l'environnement et au développement durable. La rencontre aurait lieu une ou deux semaines avant le dépôt du rapport au Parlement. Nous vous ferons savoir si le Ministre accepte l'invitation.

Si vous avez des questions ou si vous désirez discuter d'un aspect quelconque de l'ébauche du rapport d'audit, nous serons heureux de vous rencontrer. N'hésitez pas à communiquer avec moi ou avec la directrice responsable de l'audit, Elsa Da Costa, au 613-995-3708.

Veuillez agréer, Madame, l'expression de mes sentiments distingués.



Kimberley Leach
Directrice principale (responsable de l'audit)

P.j. Modèle de lettre de réponse

c.c. Nicole Primeau, dirigeante principale de la vérification, Direction de la vérification interne
Sharon Clark, directrice principale du BVG (responsable de Pêches et Océans Canada)

LETTRE DE RÉPONSE

Le [date]

**Madame Kimberley Leach
Directrice principale
Bureau du vérificateur général du Canada
240, rue Sparks
Ottawa (Ontario) K1A 0G6**

Madame,

La présente fait suite à votre lettre du 31 juillet 2018 concernant l'audit de performance sur les mammifères marins dont les résultats seront communiqués dans les rapports de la commissaire à l'environnement et au développement durable de l'automne 2018.

Après avoir examiné l'ébauche du rapport de transmission pour cet audit, je confirme, en ma qualité de sous-ministre de Pêches et Océans Canada, que les faits qui y sont présentés sont exacts.

[Veuillez ajouter des commentaires si vous êtes en désaccord avec tout énoncé du rapport d'audit et préciser les éléments avec lesquels vous êtes en désaccord et les raisons pour lesquelles vous l'êtes.]

Vous trouverez ci-joint les réponses définitives aux recommandations de l'audit, et ce, dans les deux langues officielles.

Je vous prie d'agréer, Madame, l'expression de mes sentiments distingués.

[Nom]

[Titre de l'administrateur général]

Tab 3

Draft returned to the Office of the Auditor General. Fisheries and Oceans Canada is not in possession of this record. Final
copy available at http://www.oag-bvg.gc.ca/internet/English/parl_cesd_201810_02_e_43146.html

Tab 3 – OAG Controlled document – no copy permitted

Tab 4

FISHERIES AND OCEANS CANADA
WORKING TABLE IN RESPONSE TO RECOMMENDATIONS
PERFORMANCE AUDIT ON MARINE MAMMALS



RECOMMENDATION INFORMATION	Sector responsible for the Action Plan Aquatic Ecosystems/Ecosystems and Oceans Science/Fisheries and Harbour Management
<p>Recommendation 1 (par 29)</p> <p>Department's response: Fisheries and Oceans Canada <u>partially</u> agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: Fisheries and Oceans Canada will work to the extent possible, within the confines of partner willingness and available resources, to implement the recovery measures identified in Species at Risk action plans to reduce the threats faced by marine mammals from commercial fishing activities and marine vessels. Wherever possible, efforts will be made to implement actions consistent with timeframes established in the action plans. <u>These action plans will be revisited in the event that the Department is unable to implement or commit to the measures. [BGI] [D2]</u></p> <p>Reporting on the progress of implementation of recovery actions will occur five years after approval of the action plan as required under the <i>Species at Risk Act</i>. Where possible, this report will include an evaluation of the effectiveness of the implemented measures towards reducing the threats associated with commercial fishing activities and marine vessels and advancing recovery of the populations. Given the long generation time of most marine mammals and the need for ongoing monitoring and new scientific information in order to assess effectiveness, demonstrating progress on effectiveness of actions could, in many cases, require timeframes longer than five years.</p> <p>Implementation date: [B3] Implementation of many recovery actions are already underway and will continue; additional recovery actions will be identified and implemented to the extent possible, working with partners and available resources. <u>Reporting on progress against action plans will be conducted in five-year intervals as required under the Species at Risk Act.</u> Fisheries and Oceans Canada will review outstanding recovery measures related to the reducing threats to threatened and endangered marine mammals from commercial fishing and marine traffic and develop a plan with priorities, targets, and timelines to implement these measures to the extent possible working with partners and available resources. A plan will be developed by the end of 2018-19 fiscal year.</p> <p><u>Reporting on progress against action plans will be conducted in five year intervals as required under</u></p>	

<u>the Species at Risk Act.</u>	
<p>Recommendation 2 (par 50)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation:</p> <p>DFO is committed to protecting and conserving Canada's oceans, including significant ecological species such as marine mammals and their habitats. Building on its existing programs and policies, DFO will continue to collaborate with ECCC, PCA and TC on implementing measures to protect marine mammals, including threat reduction through a combination of protection tools such as <i>Oceans Act</i> MPAs, marine refuges under the <i>Fisheries Act</i>, and vessel navigation restrictions.</p> <p>When marine mammals are identified as an ecologically and biologically significant component in Areas of Interest (AOI) for proposed designation as an <i>Oceans Act</i> MPA, they will be included in the conservation objectives developed for the AOI and the design of the <i>Oceans Act</i> MPA (boundaries, allowed/prohibited activities) will focus on their protection.</p> <p>DFO notes that achieving protection of marine mammals in Canada requires action and support across all sectors, all government levels and Indigenous Peoples.</p> <p>Implementation date: Implementation of measures is underway and will continue, to the extent possible, as marine protected areas are identified, established, and managed.</p>	<p>Aquatic Ecosystems/Ecosystems and Oceans Science/Fisheries and Harbour Management</p>
Recommendation 3 (par 61)	Fisheries and Harbour Management/Aquatic

Department's response: Fisheries and Oceans Canada ~~disagrees~~ [BC4]with the recommendation.

Fisheries and Oceans Canada's response to the recommendation: DFO ~~disagrees with the recommendation and analysis to support the audit findings as they do not accurately reflect the important work undertaken in the last year of the audit period.~~ DFO focused its efforts during this period on ensuring appropriate protections were in place through license conditions, variation orders and regulations. While not all IFMP documents have been fully updated to reflect these important measures which have already been implemented, work is underway to do so.

Throughout 2018, DFO has implemented amendments in a proactive way, measures such as: been extending licence conditions for fixed-gear fisheries that include provisions to reduce floating rope at the surface; a maximum distance between primary and secondary buoys; gear marking; mandatory reporting of lost fishing gear; and mandatory reporting of interactions with marine mammal and whale sightings. All of these measures significantly advance the implementation of measures in support of the bycatch policy. DFO will continue to implement measures to ensure the protection of marine mammals and work to ensure that IFMPs are updated as needed to reflect these actions. [BC5]

As well, one of the long-standing and major fixed-gear fishery management measures for whales in Atlantic Canada stems from the seasonal restrictions in southwestern Nova Scotia, which limit the lobster fishery to winter operations. This lobster fishery accounts for the vast majority of the Canadian lobster catch. Historically, whale entanglements in lobster gear in this area are rare, owing in substantial part to the seasonal restriction of fishing, which means that lobster fishing in southwestern Nova Scotia largely takes place when whales are absent. Notably and, unsurprisingly, the recent whale sighting in the Roseway Basin in southwestern Nova Scotia occurred only after the fishery had closed and harvesters had landed their gear for the season.

In addition, significant measures have been implemented in the Pacific salmon to allow for increased chinook salmon prey availability for Southern Resident Killer Whales. These measures are omitted from the audit and thus the findings related to this aspect are incorrect.

Implementation date: 2018

Ecosystems/Ecosystems and Oceans Science

<p>Recommendation 4 (par 71)(77)(D6)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: Fisheries and Oceans Canada will continue to work cooperatively with our partners, including Transport Canada and Environment and Climate Change Canada, to review, assess and recommend the implementation of measures to address threats posed by marine vessels to marine mammals. Fisheries and Oceans Canada plays an important role in the evaluation of measures to determine the sufficiency and efficacy of measures to address threats from marine vessels for the protection of marine mammals. Fisheries and Oceans Canada will continue to build on Government of Canada investments in the Oceans Protection Plan including measures to reduce impacts to marine mammals from marine vessels. The Canadian Coast Guard will continue to work cooperatively within the parameters of its mandate to support measures to address threats from marine vessels for the protection of marine mammals.</p> <p>Implementation date: Implementation of measures is underway and will continue, to the extent possible, as potential impacts to marine mammals from marine vessels are identified and assessed.</p>	<p>Aquatic Ecosystems/Ecosystems and Oceans Science/Fisheries and Harbour Management/Canadian Coast Guard</p>
<p>Recommendation 5 (par 88)</p> <p>Department's response: Fisheries and Oceans Canada disagrees^{agrees} with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: DEO disagrees with the recommendation as it does not accurately reflect the significant increases in funding and program modernization which occurred during the final year of the audit period. Since March 2018, the government has announced \$1 million in annual ongoing funding to support third-party responder groups in doing their critical work. In addition, \$4.5 million over three years will be invested in enhancing the available capacity of third-party responder groups to respond to incidents when they occur. This will include enhanced capacity for existing partners, and the identification and training of new partners.</p> <p>Further, through collaboration and consultation with international experts including the Canadian third-party responder network, a national approach to response has been developed with clearly</p>	<p>Fisheries and Harbour Management/Aquatic Ecosystems/Ecosystems and Oceans Science</p>

	<p>defined roles and responsibilities and reporting requirements. These approaches have been developed in a manner that provides a national coherent approach while recognizing the unique nature of each coast, and different geographical areas within the coasts.</p> <p>Implementation date: Prior to June 2018</p>
	<p>Note: Please ensure not to retype sections of the Principal's draft; instead, please make a reference to the paragraph # and sentence.</p>

Sector/Region: Aquatic Ecosystems/NHQ

TABLE FOR COMMENTS

**DEPUTY MINISTER'S TRANSMISSION DRAFT (DM DRAFT)
PERFORMANCE AUDIT ON THE PROTECTION OF MARINE MAMMALS**

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
15 and 24	<p>It is inaccurate to say that DFO cannot demonstrate that they have implemented "any recovery measures to reduce the threats posed by commercial fishing and marine traffic for 11 of the 14 species listed as EN or TH" and it is not clear how this conclusion was reached.</p> <p>Information on progress reports on the implementation of the Recovery Strategies for the species listed below were all published within the timeframe of the audit. While we may not have implemented all the proposed recovery measures related to fishing and marine vessels, the progress reports would show that we have taken some action, so stating that we have not taken any action is not accurate.</p> <ul style="list-style-type: none"> - Blue Whale (Atlantic) - Blue Whale (Pacific) - Killer Whale (Southern Resident) - Right Whale (North Atlantic) - Northern Bottlenose Whale (Scotian Shelf) - Sei Whale (Pacific) - Fin Whale (Pacific) - Killer Whale (Northern Resident) - Killer Whale (Transient) 	<p>Change wording to remove reference to DFO not being able to demonstrate that they have implemented any recovery measures for 11 species.</p>

28 & 36	For each MPA, important biological and ecological features are identified and considered for the area. When whales are identified as an important feature in the area, then the MPA is built to provide protection to these species.	Recommend making reference to the fact that MPA restrictions are based on the conservation objectives for the area (i.e., identified important features identified through scientific processes and consultations).
31	These types of MPAs are not all established under the Oceans Act.	Clarify that the marine protected areas are established under different legislations (e.g., Oceans Act for DFO, Canada National Marine Conservation Areas Act for Parks Canada, Canada Wildlife Act for ECCC)
32	<p>This statement about power to control is of concern. The Acts that govern MPAs do not all have "control" over commercial fishing and vessels (and what elements of vessels? Does this refer to travel? navigation? Something else? A word is missing here).</p> <p>For example there are elements related to vessels that we do not regulate through the MPA regulations (such as vessel condition to prevent leaks).</p>	Replace the word "control" with "restrict". Also, specify what element of vessels is being referred to.
42	<p>During previous discussions we were told that in this DM draft we would have the opportunity to slightly amend the wording of this CESD recommendation to capture MPA networks.</p> <p>Our rationale for the proposed amendment is that MPA networks can provide a more efficient means of protecting important features within a large scale MPA network planning area (known as a bioregion), than individual sites can alone. For migratory or wide ranging species in particular (such as marine mammals), MPA networks provide a means to protect the various habitats that the species rely on (e.g., feeding grounds and nursery areas).</p> <p>Please see proposed changes to the recommendation in the next column.</p>	In the first bullet of the recommendation, instead of stating "marine protected areas", please state "marine protected area networks".

42	Further to the above, we have comments on DFO's "agreement statement" to reflect the MPA network approach. (Assuming the edits above are taken)	Edit the last sentence of the first paragraph to say: "... through developing networks of marine protected areas and other effective area-based conservation measures, and using other tools such as vessel navigation restrictions."

Note: Please ensure not to retype sections of the DM draft; instead, please make a reference to the paragraph # and sentence.



ADM Sector signature:

Date: _____

Kempster, Carol Ann

From: Baril, France
Sent: August-10-18 9:47 AM
To: Kempster, Carol Ann
Subject: FW: CONSOLIDATED TABLE FOR COMMENTS (AUG. 9 430).docx

EOS approval (2)

From: McPherson, Arran
Sent: Friday, August 10, 2018 9:35 AM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Cc: Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Armstrong, Carolyn <Carolyn.Armstrong@dfo-mpo.gc.ca>; Laverdure, Louise <Louise.Laverdure@dfo-mpo.gc.ca>; Wheatley, Michelle <Michelle.Wheatley@dfo-mpo.gc.ca>; Patrick, Lindsey <Lindsey.Patrick@dfo-mpo.gc.ca>; Daspe, Caroline <Caroline.Daspe@dfo-mpo.gc.ca>
Subject: RE: CONSOLIDATED TABLE FOR COMMENTS (AUG. 9 430).docx

Hi, my only change would be to remove Science from recommendation #5 since we don't have a role in this element.
Thanks, Arran

From: Baril, France
Sent: Friday, August 10, 2018 8:12 AM
To: McPherson, Arran <Arran.McPherson@dfo-mpo.gc.ca>
Cc: Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Armstrong, Carolyn <Carolyn.Armstrong@dfo-mpo.gc.ca>; Laverdure, Louise <Louise.Laverdure@dfo-mpo.gc.ca>; Wheatley, Michelle <Michelle.Wheatley@dfo-mpo.gc.ca>; Patrick, Lindsey <Lindsey.Patrick@dfo-mpo.gc.ca>; Daspe, Caroline <Caroline.Daspe@dfo-mpo.gc.ca>
Subject: RE: CONSOLIDATED TABLE FOR COMMENTS (AUG. 9 430).docx
Importance: High

Hi Arran,

I re-reading your message with fresh eyes this morning, it appears that you did not have the latest version of the responses to recommendations in your hands for review. Please find them attached, for your consideration. You will notice that we now agree with the recommendation 3, and perhaps this addresses your second comment below.

Please let me know if you are comfortable with these responses.

Regards,
France

From: McPherson, Arran
Sent: Thursday, August 9, 2018 4:54 PM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Cc: Armstrong, Carolyn <Carolyn.Armstrong@dfo-mpo.gc.ca>; Laverdure, Louise <Louise.Laverdure@dfo-mpo.gc.ca>; Wheatley, Michelle <Michelle.Wheatley@dfo-mpo.gc.ca>
Subject: CONSOLIDATED TABLE FOR COMMENTS (AUG. 9 430).docx

Hi France, here is my additions to the table. I apologize for the delay. Pls note that I have added one section to Philippe's comment on MPAs related to paragraph 31 so hope he would agree.

In terms of comments on the recommendations, I have a comment on #3, it isn't clear what we are disagreeing with. DFO could consider committing to what is needed to do under the MMPA. Or, could mention that priorities with respect to fisheries bycatch could be SARA species as bycatch of species like seals, whose populations are thriving, would not represent a conservation concern. However, this is more a FHM issue, so offer that for consideration.

Arran.

Kempster, Carol Ann

From: Baril, France
Sent: August-10-18 9:47 AM
To: Kempster, Carol Ann
Subject: FW: CONSOLIDATED TABLE FOR COMMENTS (AUG. 9 430).docx
Attachments: CONSOLIDATED TABLE FOR COMMENTS (AUG. 9 430).docx

EOS approvals

From: McPherson, Arran
Sent: Thursday, August 9, 2018 4:54 PM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Cc: Armstrong, Carolyn <Carolyn.Armstrong@dfo-mpo.gc.ca>; Laverdure, Louise <Louise.Laverdure@dfo-mpo.gc.ca>; Wheatley, Michelle <Michelle.Wheatley@dfo-mpo.gc.ca>
Subject: CONSOLIDATED TABLE FOR COMMENTS (AUG. 9 430).docx

Hi France, here is my additions to the table. I apologize for the delay. Pls note that I have added one section to Philippe's comment on MPAs related to paragraph 31 so hope he would agree.

In terms of comments on the recommendations, I have a comment on #3, it isn't clear what we are disagreeing with. DFO could consider committing to what is needed to do under the MMPA. Or, could mention that priorities with respect to fisheries bycatch could be SARA species as bycatch of species like seals, whose populations are thriving, would not represent a conservation concern. However, this is more a FHM issue, so offer that for consideration.

Arran.

TABLE FOR COMMENTS

DEPUTY MINISTER'S TRANSMISSION DRAFT (DM DRAFT) PERFORMANCE AUDIT ON THE PROTECTION OF MARINE MAMMALS

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
Throughout the document (i.e. paragraphs 4, 8, 13, 62, 69...)	The reference to "Canadian waters" in multiple places should be changed to "Canadian fisheries waters" as per the legislation.	
2	Because of the scope of the audit, should be clear that commercial harvest is not what is intended in this section. This is supported by the list following the statement.	...direct threats such as interaction with commercial fishing and...
12, 80 & 82	With regard to the comment that DFO lacked resources and training to support organizations responding to marine mammal, the Department disagrees as it appears that recent investments in training and equipment have not been taken into account	The Department disagrees with this finding. DFO has invested significant resources since 2009 to train fishery officers on disentanglement support, stranding response, and sea turtle response. It has also purchased equipment to support these activities. The Department has also developed operational procedures and safe work procedures to guide the work during these activities. These investments are supported by the \$1 million envelope received by the Conservation and Protection Program under the Oceans Protection Plan.
15 and 24	It is inaccurate to say that DFO cannot demonstrate that they have implemented "any recovery measures to reduce the threats posed by commercial fishing and marine traffic for 11 of the 14 species listed as EN or TH" and it is not clear how this conclusion	Change wording to remove reference to DFO not being able to demonstrate that they have implemented any recovery measures for 11 species.

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
	<p>was reached.</p> <p>Information on progress reports on the implementation of the Recovery Strategies for the species listed below were all published within the timeframe of the audit. While we may not have implemented all the proposed recovery measures related to fishing and marine vessels, the progress reports would show that we have taken some action, so stating that we have not taken any action is not accurate.</p> <ul style="list-style-type: none"> - Blue Whale (Atlantic) - Blue Whale (Pacific) - Killer Whale (Southern Resident) - Right Whale (North Atlantic) - Northern Bottlenose Whale (Scotian Shelf) - Sei Whale (Pacific) - Fin Whale (Pacific) - Killer Whale (Northern Resident) - Killer Whale (Transient) 	
18 – 3 rd sentence	<p>Once species are listed as extirpated, endangered or threatened, individuals of these species are protected from being killed, harmed, captured, <u>taken</u> or harassed (see subsection 32(1) of SARA)</p>	
18 – 4 th sentence	<p>Under the Act, <u>the Minister of Fisheries and Oceans</u> is competent minister for aquatic species, other than individuals in or on federal lands administered by the <u>Parks Canada Agency</u> (see definition of “competent minister” in subsection 2(1) of SARA.)</p>	
18 – 5 th	<p>For each species listed as extirpated, endangered or</p>	

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
sentence	threatened, the competent minister(s) must develop recovery strategies within timelines set out in SARA (see sections 37 and 42 of SARA)	
18 – 6 th sentence	The competent minister(s) must also, within timelines set out in the recovery strategy, prepare one or more action plans based on the recovery strategy stating the measures that are to be taken to implement the recovery strategy (see section 47 and paragraphs 49(1)(d) and 41(1)(g) of SARA)	
28 & 36	For each MPA, important biological and ecological features are identified and considered for the area. When whales are identified as an important feature in the area, then the MPA is built to provide protection to these species.	Recommend making reference to the fact that MPA restrictions are based on the conservation objectives for the area (i.e., identified important features identified through scientific processes and consultations).
31	These types of MPAs are not all established under the Oceans Act. Also, MPAs are only able to offer protection when they overlap with habitat.	Clarify that the marine protected areas are established under different legislations (e.g., Oceans Act for DFO, Canada National Marine Conservation Areas Act for Parks Canada, Canada Wildlife Act for ECCC) ..they may be able to protect key habitat areas when overlap with feeding, Replace the word "control" with "restrict". Also, specify what element of vessels is being referred to.
32	This statement about power to control is of concern. The Acts that govern MPAs do not all have "control" over commercial fishing and vessels (and what elements of vessels? Does this refer to travel? navigation? Something else? A word is missing here). For example there are elements related to vessels that we do not regulate through the MPA regulations	

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
42	<p>(such as vessel condition to prevent leaks).</p> <p>During previous discussions we were told that in this DM draft we would have the opportunity to slightly amend the wording of this CESD recommendation to capture MPA networks.</p> <p>Our rationale for the proposed amendment is that MPA networks can provide a more efficient means of protecting important features within a large scale MPA network planning area (known as a bioregion), than individual sites can alone. For migratory or wide ranging species in particular (such as marine mammals), MPA networks provide a means to protect the various habitats that the species rely on (e.g., feeding grounds and nursery areas).</p> <p>Please see proposed changes to the recommendation in the next column.</p>	<p>In the first bullet of the recommendation, instead of stating "marine protected areas", please state "marine protected area networks".</p>
42	<p>Further to the above, we have comments on DFO's "agreement statement" to reflect the MPA network approach. (Assuming the edits above are taken)</p>	<p>Edit the last sentence of the first paragraph to say: "... through developing networks of marine protected areas and other effective area-based conservation measures, and using other tools such as vessel navigation restrictions."</p>
56	<p>The Department has noted that CESD has included references to recent measures that have been implemented for 2017/18, has listed these measures in the document (noting they are not part of the audit), and have acknowledged these new measures may address some of the challenges.</p>	<p>No proposed changes.</p>

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
69	Unclear basis for number of potential ship strikes. Should quote the report posted on-line with the outcome of the necropsies : http://www.cwhc-rcsf.ca/right_whales.php	Necropsy results suggest 4/7 animals died as a result of trauma.
Exhibit 4	Should reflect that necropsies were completed with partners. See website above.	

Kempster, Carol Ann

From: Baril, France
Sent: August-09-18 3:25 PM
To: Kempster, Carol Ann
Subject: FW: Legal Sign-Off (w evidence)
Attachments:



Legal approvals

From: O'Brien, Jackie
Sent: Thursday, August 9, 2018 2:29 PM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Cc: Langille, Kaylee (DOJ) <Kaylee.Langille@justice.gc.ca>
Subject: RE: Legal Sign-Off (w evidence)

Hi France,

I just confirmed with Mr. Sharzer that the file in question was approved by him. Please find the word copy attached here

Regards,
Jackie

From: Baril, France
Sent: August-09-18 1:38 PM
To: O'Brien, Jackie
Subject: RE: Legal Sign-Off (w evidence)

Hi again ☺

The attached comments were also delivered to us by your colleague (first page of scanned document). Are these also approved by Mr. Sharzer? If so, would you have the electronic copies of those?

Thanks,
France

From: O'Brien, Jackie
Sent: Thursday, August 9, 2018 12:14 PM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Cc: Laveaux, Cassandre <Cassandre.Laveaux@dfo-mpo.gc.ca>; Langille, Kaylee (DOJ) <Kaylee.Langille@justice.gc.ca>
Subject: RE: Legal Sign-Off (w evidence)

Hello France,

Hope all is well. Please see the attached file as requested.

Thank you,

Jackie O'Brien
TEL: 613-991-4869
BB: [REDACTED]

From: Baril, France
Sent: August-09-18 11:48 AM
To: O'Brien, Jackie
Cc: Laveaux, Cassandre
Subject: FW: Legal Sign-Off (w evidence)

Hi Jackie,
We've received the hand-delivered docket. Thank you.
Would it be possible to get the Word copy of the typed comments attached, by any chance? It's easier for us to consolidate these into the final package for the DM.

France

From: Laveaux, Cassandre
Sent: Thursday, August 9, 2018 11:38 AM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Subject: Legal Sign-Off (w evidence)

From: Laveaux, Cassandre
Sent: August-09-18 11:37 AM
To: Baril, France
Subject: Legal Sign-Off

Cassandre Laveaux
External Audit Liaison and Coordination, Professional Practices, Internal Audit
Fisheries and Oceans Canada / Government of Canada

Liaison et coordination des vérifications externes, Pratiques Professionnelles, Vérification
interne
Pêches et Océans Canada / Gouvernement du Canada
Cassandre.Laveaux@dfo-mpo.gc.ca / 613-327-5099

**Pages 47 to / à 52
are withheld pursuant to sections
sont retenues en vertu des articles**

21(1)(b), 23

**of the Access to Information Act
de la Loi sur l'accès à l'information**

Kempster, Carol Ann

From: Lavell, Shelley
Sent: August-09-18 10:31 AM
To: Laveaux, Cassandre
Cc: Lebel, Mathieu; Mainville, Michel R; Rajotte, Estelle; Baril, France; Kempster, Carol Ann; Pelchat, Bernadette
Subject: RE: DC - Ops Pending 2018-014-00234 // Comments on Transmission Draft - DM DRAFT: Performance Audit on the Protection of Marine Mammals

Nil.

Thanks,
Shelley

From: Laveaux, Cassandre
Sent: August-09-18 10:25 AM
To: Lavell, Shelley
Cc: Lebel, Mathieu; Mainville, Michel R; Rajotte, Estelle; Baril, France; Kempster, Carol Ann; Pelchat, Bernadette
Subject: DC - Ops Pending 2018-014-00234 // Comments on Transmission Draft - DM DRAFT: Performance Audit on the Protection of Marine Mammals
Importance: High

Hello Shelley,

In Mathieu's absence, could you please confirm if it's a "nil" response for DC Operations? The briefing note will be sent this morning.

Thanks,
Cassandre Laveaux
External Audit Liaison and Coordination, Professional Practices, Internal Audit
Fisheries and Oceans Canada / Government of Canada

Liaison et coordination des vérifications externes, Pratiques Professionnelles, Vérification interne
Pêches et Océans Canada / Gouvernement du Canada
Cassandre.Laveaux@dfo-mpo.gc.ca / 613-327-5099

From: Laveaux, Cassandre
Sent: August-07-18 12:09 PM
To: Villeneuve, Anne-Marie; Patrick, Lindsey; White, Andrea; Langille, Kaylee (DOJ); Lebel, Mathieu; Marier, Marie-Michele
Cc: Richter, Julie; Daspe, Caroline; Genier, Sylvie; Kaleta, Michelle; Iacovitti, Michelle; Baril, France; Coache, Stephanie; Levita, Leslie; Pelchat, Bernadette; Kempster, Carol Ann; Armstrong, Carolyn; Charbonneau, France; Boudreau, Carol-Ann; Gautam, Brigitte; O'Brien, Jackie; Legal.Correspondence / Correspondance.Juridique (DFO-MPO); Mainville, Michel R; Landry, Josee; Moreau, Emilie
Subject: REMINDER: 2018-014-00238 & 2018-014-00234 // Updated Responses to Recommendations AND Comments on Transmission Draft - DM DRAFT: Performance Audit on the Protection of Marine Mammals

Hello everyone,

Just a friendly reminder that your responses are **due today**.

2018-014-00238: Only applies to AE, EOS and FHM.

2018-014-00234: Applies to all. Only major concerns should be identified at this point.

A "nil" reply would be appreciated should you have no further comments to provide.

Thanks,

Cassandre Laveaux

External Audit Liaison and Coordination, Professional Practices, Internal Audit
Fisheries and Oceans Canada / Government of Canada

Liaison et coordination des vérifications externes, Pratiques Professionnelles, Vérification interne
Pêches et Océans Canada / Gouvernement du Canada
Cassandre.Laveaux@dfo-mpo.gc.ca / 613-327-5099

From: Gautam, Brigitte **On Behalf Of** Primeau, Nicole

Sent: July-31-18 3:53 PM

To: Morel, Philippe; Lapointe, Sylvie; McPherson, Arran

Cc: Villeneuve, Anne-Marie; Richter, Julie; Daspe, Caroline; Genier, Sylvie; Patrick, Lindsey; Gibson, Andrea; Kaleta, Michelle; Iacovitti, Michelle; Baril, France; Coache, Stephanie; Levita, Leslie; Pelchat, Bernadette; Kempster, Carol Ann; Laveaux, Cassandre; White, Andrea; Armstrong, Carolyn; Charbonneau, France; Boudreau, Carol-Ann; Burns, Adam; Winfield, Nicholas; MacDonald, Jeff (NCR); Wheatley, Michelle; Ladell, Kate; Crance, Colin; Tournois, Coralie; D'Amours-Gauthier, Veronique; Mitchell, Jessica; Gautam, Brigitte

Subject: 2018-014-00238 // Updated Responses to Recommendations - DM DRAFT: Performance Audit on the Protection of Marine Mammals

GCCMS # 2018-014-00238

This request will be in GCCMS shortly.

Good afternoon,

The Office of the Commissioner of the Environment and Sustainable Development (CESD) has released the Deputy Minister's draft of the Performance Audit of the *Protection of Marine Mammals*. A tasking has been sent to your relevant sectors to identify any significant comments and/or concerns (GCCMS 2018-014-00234).

In light of the substantial changes to the context, findings, and scope, we kindly request that the previous responses to recommendations be updated to reflect these changes. Attached herein is the DM Draft Report, as well as suggested changes to the responses to recommendation based on Internal Audit's review.

Please provide the **revised ADM-approved responses** to Internal Audit **by August 7, 2018 @ noon**. Please send to Cassandre Laveaux (Cassandre.Laveaux@dfo-mpo.gc.ca) with a CC to Stephanie Coache (Stephanie.Coache@dfo-mpo.gc.ca), France Baril (France.Baril@dfo-mpo.gc.ca), Brigitte Gautam (Brigitte.Gautam@dfo-mpo.gc.ca) and Leslie Levita (Leslie.Levita@dfo-mpo.gc.ca).

If you have any questions or concerns, please do not hesitate to contact Stephanie Coache (Director, Professional Practices) at 613-240-1217.

Thank you.

Nicole Primeau, CPA, CMA, CIA, CRMA

Chief Audit Executive, Internal Audit Directorate
Fisheries and Oceans Canada | Government of Canada
nicole.primeau@dfo-mpo.gc.ca | Tel: 613.949.0303

Dirigeante principal de la vérification, Direction générale de la vérification interne
Pêches et Océans Canada | Gouvernement du Canada
nicole.primeau@dfo-mpo.gc.ca | Tél: 613.949.0303

Kempster, Carol Ann

From: Moreau, Émilie
Sent: August-07-18 2:05 PM
To: Laveaux, Cassandre
Cc: Marier, Marie-Michele
Subject: RE: REMINDER: 2018-014-00238 & 2018-014-00234 // Updated Responses to Recommendations AND Comments on Transmission Draft - DM DRAFT: Performance Audit on the Protection of Marine Mammals

NIL for DC SS for 2018-014-00234.

Merci!

Emilie Moreau
613-998-1808

From: Laveaux, Cassandre
Sent: August 7, 2018 12:09 PM
To: Villeneuve, Anne-Marie <Anne-Marie.Villeneuve@dfo-mpo.gc.ca>; Patrick, Lindsey <Lindsey.Patrick@dfo-mpo.gc.ca>; White, Andrea <Andrea.White@dfo-mpo.gc.ca>; Langille, Kaylee (DOJ) <Kaylee.Langille@justice.gc.ca>; Lebel, Mathieu <Mathieu.Lebel@dfo-mpo.gc.ca>; Marier, Marie-Michele <Marie-Michele.Marier@dfo-mpo.gc.ca>
Cc: Richter, Julie <Julie.Richter@dfo-mpo.gc.ca>; Daspe, Caroline <Caroline.Daspe@dfo-mpo.gc.ca>; Genier, Sylvie <Sylvie.Genier@dfo-mpo.gc.ca>; Kaleta, Michelle <Michelle.Kaleta@dfo-mpo.gc.ca>; Iacovitti, Michelle <Michelle.Iacovitti@dfo-mpo.gc.ca>; Baril, France <France.Baril@dfo-mpo.gc.ca>; Coache, Stephanie <Stephanie.Coache@dfo-mpo.gc.ca>; Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Pelchat, Bernadette <Bernadette.Pelchat@dfo-mpo.gc.ca>; Kempster, Carol Ann <CarolAnn.Kempster@dfo-mpo.gc.ca>; Armstrong, Carolyn <Carolyn.Armstrong@dfo-mpo.gc.ca>; Charbonneau, France <France.Charbonneau@dfo-mpo.gc.ca>; Boudreau, Carol-Ann <Carol-Ann.Boudreau@dfo-mpo.gc.ca>; Gautam, Brigitte <Brigitte.Gautam@dfo-mpo.gc.ca>; O'Brien, Jackie <Jackie.O'Brien@dfo-mpo.gc.ca>; Legal.Correspondence / Correspondance.Juridique (DFO-MPO) <Legal.Correspondence@dfo-mpo.gc.ca>; Mainville, Michel R <Michel.Mainville@dfo-mpo.gc.ca>; Landry, Josee <Josee.Landry@dfo-mpo.gc.ca>; Moreau, Émilie <Emilie.Moreau@dfo-mpo.gc.ca>
Subject: REMINDER: 2018-014-00238 & 2018-014-00234 // Updated Responses to Recommendations AND Comments on Transmission Draft - DM DRAFT: Performance Audit on the Protection of Marine Mammals

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2018-014-00238: Only applies to AE, EOS and FHM.

2018-014-00234: Applies to all. Only major concerns should be identified at this point.

A "nil" reply would be appreciated should you have no further comments to provide.

Thanks,

Cassandre Laveaux
External Audit Liaison and Coordination, Professional Practices, Internal Audit

Fisheries and Oceans Canada / Government of Canada

Liaison et coordination des vérifications externes, Pratiques Professionnelles, Vérification interne

Pêches et Océans Canada / Gouvernement du Canada

Cassandra.Laveaux@dfo-mpo.gc.ca / 613-327-5099

From: Gautam, Brigitte **On Behalf Of** Primeau, Nicole

Sent: July-31-18 3:53 PM

To: Morel, Philippe; Lapointe, Sylvie; McPherson, Arran

Cc: Villeneuve, Anne-Marie; Richter, Julie; Daspe, Caroline; Genier, Sylvie; Patrick, Lindsey; Gibson, Andrea; Kaleta, Michelle; Iacovitti, Michelle; Baril, France; Coache, Stephanie; Levita, Leslie; Pelchat, Bernadette; Kempster, Carol Ann; Laveaux, Cassandra; White, Andrea; Armstrong, Carolyn; Charbonneau, France; Boudreau, Carol-Ann; Burns, Adam; Winfield, Nicholas; MacDonald, Jeff (NCR); Wheatley, Michelle; Ladell, Kate; Crance, Colin; Toumois, Coralie; D'Amours-Gauthier, Veronique; Mitchell, Jessica; Gautam, Brigitte

Subject: 2018-014-00238 // Updated Responses to Recommendations - DM DRAFT: Performance Audit on the Protection of Marine Mammals

GCCMS # 2018-014-00238

This request will be in GCCMS shortly.

Good afternoon,

The Office of the Commissioner of the Environment and Sustainable Development (CESD) has released the Deputy Minister's draft of the Performance Audit of the *Protection of Marine Mammals*. A tasking has been sent to your relevant sectors to identify any significant comments and/or concerns (GCCMS 2018-014-00234).

In light of the substantial changes to the context, findings, and scope, we kindly request that the previous responses to recommendations be updated to reflect these changes. Attached herein is the DM Draft Report, as well as suggested changes to the responses to recommendation based on Internal Audit's review.

Please provide the **revised ADM-approved responses** to Internal Audit **by August 7, 2018 @ noon**. Please send to Cassandra Laveaux (Cassandra.Laveaux@dfo-mpo.gc.ca) with a CC to Stephanie Coache (Stephanie.Coache@dfo-mpo.gc.ca), France Baril (France.Baril@dfo-mpo.gc.ca), Brigitte Gautam (Brigitte.Gautam@dfo-mpo.gc.ca) and Leslie Levita (Leslie.Levita@dfo-mpo.gc.ca).

If you have any questions or concerns, please do not hesitate to contact Stephanie Coache (Director, Professional Practices) at 613-240-1217.

Thank you.

Nicole Primeau, CPA, CMA, CIA, CRMA

Chief Audit Executive, Internal Audit Directorate
Fisheries and Oceans Canada | Government of Canada
nicole.primeau@dfo-mpo.gc.ca | Tel: 613.949.0303

Dirigeante principale de la vérification, Direction générale de la vérification interne
Pêches et Océans Canada | Gouvernement du Canada
nicole.primeau@dfo-mpo.gc.ca | Tél: 613.949.0303

Kempster, Carol Ann

From: Kaleta, Michelle
Sent: August-09-18 9:33 AM
To: Laveaux, Cassandre
Cc: Baril, France; Gautam, Brigitte; Levita, Leslie; Patrick, Lindsey; Iacovitti, Michelle
Subject: FW: CESD Audit 2018-014-00234 and 2018-014-00238_ FINAL version
Attachments: MECTS-#3948673-v1-Response_to_Recommendations_table_CESD_MM_Aug_02_(002).doc; MECTS-#3948851-v1-MECTS-#3948686-v1-Comments_-_DM_Draft_-_PA_on_Protection_of_MM_BG_JPM_(002).DOC

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Cassandre,

Please see attached for FRM's input for 2018-014-00234 & 2018-014-00238; both approved by Sylvie (below).

Thanks! / Merci!

Michelle Kaleta

Correspondence Coordinator / Agente de correspondance
Assistant Deputy Minister's Office / Bureau du sous-ministre adjoint
Fisheries and Harbour Management / Gestions des pêches et de ports
Fisheries and Oceans Canada / Pêches et Océans Canada
(613) 990-9867 ><(((o>_..~...><(((o>_..~...><(((o>

From: Lapointe, Sylvie
Sent: August-09-18 8:21 AM
To: Kaleta, Michelle
Cc: Patrick, Lindsey
Subject: RE: CESD Audit 2018-014-00234 and 2018-014-00238_ FINAL version

Approved.

Sylvie

From: Kaleta, Michelle
Sent: Wednesday, August 8, 2018 3:50 PM
To: Lapointe, Sylvie <Sylvie.Lapointe@dfo-mpo.gc.ca>
Cc: Patrick, Lindsey <Lindsey.Patrick@dfo-mpo.gc.ca>
Subject: FW: CESD Audit 2018-014-00234 and 2018-014-00238_ FINAL version

Hi Sylvie,

Please see attached for revised versions of 2018-014-00234 and 2018-014-00238 from FRM **for your approval.**

Approved by Adam below.

Thanks! / Merci!

Michelle Kaleta

Correspondence Coordinator / Agente de correspondance
Assistant Deputy Minister's Office / Bureau du sous-ministre adjoint
Fisheries and Harbour Management / Gestions des pêches et de ports
Fisheries and Oceans Canada / Pêches et Océans Canada
(613) 990-9867 ><(((o>...><(((o>...><(((o>

From: Baril, France
Sent: August-08-18 3:41 PM
To: Patrick, Lindsey; Kaleta, Michelle
Cc: Levita, Leslie; Coache, Stephanie; Gautam, Brigitte; Laveaux, Cassandre; Burns, Adam
Subject: FW: CESD Audit 2018-014-00234 and 2018-014-00238_ FINAL version

Lindsey, Michelle,

We met with Adam to discuss the response to recommendation 5 and table of comments.

Would it be possible to run these versions by Sylvie instead? Adam gave his blessing below.

PS- Any word from C&P yet?

Thanks!
France

From: Burns, Adam
Sent: Wednesday, August 8, 2018 3:36 PM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Cc: Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Gautam, Brigitte <Brigitte.Gautam@dfo-mpo.gc.ca>; Laveaux, Cassandre <Cassandre.Laveaux@dfo-mpo.gc.ca>; Coache, Stephanie <Stephanie.Coache@dfo-mpo.gc.ca>
Subject: RE: CESD Audit 2018-014-00234 and 2018-014-00238_ FINAL version

Looks good.

From: Baril, France
Sent: August 8, 2018 3:24 PM
To: Burns, Adam <Adam.Burns@dfo-mpo.gc.ca>
Cc: Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Gautam, Brigitte <Brigitte.Gautam@dfo-mpo.gc.ca>; Laveaux, Cassandre <Cassandre.Laveaux@dfo-mpo.gc.ca>; Coache, Stephanie <Stephanie.Coache@dfo-mpo.gc.ca>
Subject: FW: CESD Audit 2018-014-00234 and 2018-014-00238_ FINAL version
Importance: High

Hi Adam,

Thanks for meeting with us earlier. I've made the changes to the response recommendation, as discussed (see 2nd doc attached). Because we have agreed in principle with the recommendation under paragraph 82, we removed the comment in that regard in the table of comments attached. Please review before we send back to your ADMO.

**FISHERIES AND OCEANS CANADA
WORKING TABLE IN RESPONSE TO RECOMMENDATIONS
PERFORMANCE AUDIT ON MARINE MAMMALS**

RECOMMENDATION INFORMATION	Sector responsible for the Action Plan
<p>Recommendation 3 (par 56)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: DFO is committed to protecting and conserving marine mammals in Canadian waters. Building on its existing programs and policies, DFO will continue its work to update IFMPs with the appropriate information such as the specific protection measures including gear modifications, dynamic closures of fishing areas, and mandatory reporting of lost gear. These measures were put in place during the audit period and included in 2018 management plans. To support the implementation of Sustainable Fisheries Framework policies such as the policy on Managing Bycatch, the government made significant investments in Budget 2017 which are enabling an accelerated pace of implementation.</p> <p>Implementation date: 2018 and ongoing</p>	<p>Fisheries and Harbour Management/Aquatic Ecosystems/Ecosystems and Oceans Science</p>
<p>Recommendation 5 (par 82)</p> <p>Department's response: Fisheries and Oceans Canada agrees with the recommendation.</p> <p>Fisheries and Oceans Canada's response to the recommendation: While DFO agrees in principle with the recommendation, it does not fully reflect the significant increases in funding and program modernization which as noted in the audit occurred during the final year of the audit period. The government has announced \$1 million in annual ongoing funding to support third-party responder groups in doing their critical work. In addition, \$4.5 million over three years will be invested in enhancing the available capacity of third-party responder groups to respond to incidents when they occur. This will include enhanced capacity for existing partners, and the identification</p>	<p>Fisheries and Harbour Management/Aquatic Ecosystems/Ecosystems and Oceans Science</p>

and training of new partners. Such training takes many years to complete.

Further, through collaboration and consultation with international experts including the Canadian third-party responder network, a national protocol for response has been developed with clearly defined roles and responsibilities and reporting requirements. These approaches have been developed in a manner that provides national coherence while recognizing the unique geographic differences on the coasts, the specific entanglement and animal involved, and responder expertise. They reflect the fact that each marine mammal response is unique and that responders must be permitted to make real-time decisions to achieve a successful rescue and ensure that human safety is paramount.

Implementation of these measures began in 2017 and is well underway. For example, the March 2018 announcement of \$1 million in support of the MMRP.

Implementation date: Prior to June 2018

Sector/Region: **NHQ FRM**

TABLE FOR COMMENTS

**DEPUTY MINISTER'S TRANSMISSION DRAFT (DM DRAFT)
PERFORMANCE AUDIT ON THE PROTECTION OF MARINE MAMMALS**

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
56	The Department has noted that CESD has included references to recent measures that have been implemented for 2017/18, has listed these measures in the document (noting they are not part of the audit), and have acknowledged these new measures may address some of the challenges.	No proposed changes

Note: Please ensure not to retype sections of the DM draft; instead, please make a reference to the paragraph # and sentence.

ADM Sector signature: _____

Date: _____

Kempster, Carol Ann

From: Baril, France
Sent: August-10-18 9:56 AM
To: Kempster, Carol Ann
Subject: FW: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals
Attachments: Table_of_Comments_-_DM_Draft_-_PA_on_Protection of Marine Mammals - CP.doc

FHM approval 3

From: Laveaux, Cassandre
Sent: Thursday, August 9, 2018 9:40 AM
To: Baril, France <France.Baril@dfo-mpo.gc.ca>
Subject: FW: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Hi,

You weren't ccd on this one.

Thanks – Cass
613-327-5099

From: Kaleta, Michelle
Sent: August-09-18 9:27 AM
To: Laveaux, Cassandre
Cc: Patrick, Lindsey; Iacovitti, Michelle
Subject: FW: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Good morning Cassandre!

Please see attached for C&P's input; approved by Sylvie (below).

Thanks! / Merci!

Michelle Kaleta

Correspondence Coordinator / Agente de correspondance
Assistant Deputy Minister's Office / Bureau du sous-ministre adjoint
Fisheries and Harbour Management / Gestions des pêches et de ports
Fisheries and Oceans Canada / Pêches et Océans Canada
(613) 990-9867 ><(((°>...><(((°>...><(((°>

From: Lapointe, Sylvie
Sent: August-09-18 8:20 AM
To: Kaleta, Michelle
Cc: Patrick, Lindsey
Subject: RE: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Approved.

Sylvie

From: Kaleta, Michelle

Sent: Wednesday, August 8, 2018 3:50 PM

To: Lapointe, Sylvie <Sylvie.Lapointe@dfo-mpo.gc.ca>

Cc: Patrick, Lindsey <Lindsey.Patrick@dfo-mpo.gc.ca>

Subject: FW: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Hi Sylvie,

Please see attached for C&P's input which has been approved by Judy **for your approval.**

Thanks! / Merci!

Michelle Kaleta

Correspondence Coordinator / Agente de correspondance

Assistant Deputy Minister's Office / Bureau du sous-ministre adjoint

Fisheries and Harbour Management / Gestions des pêches et de ports

Fisheries and Oceans Canada / Pêches et Océans Canada

(613) 990-9867 ><(((°>...><(((°>...><(((°>

From: Richer, Carol

Sent: August-08-18 11:44 AM

To: Kaleta, Michelle

Cc: Bellfooy, Elyse; Dwyer, Judy

Subject: FW: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Hi Michelle

A/DG approval below

Carol Richer

Administrative Officer/Adjointe Administrative

Conservation and Protection/Conservation et Protection

Fisheries and Harbour Management/Gestion des pêches et des ports

Tel: 613-993-1812

From: Dwyer, Judy

Sent: August-08-18 11:37 AM

To: Verville, Josée Annie

Cc: LaPointe, Jeanette; Richer, Carol; Bellfooy, Elyse

Subject: RE: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Approved, with typo corrected.

From: Verville, Josée Annie

Sent: Wednesday, August 8, 2018 11:27 AM

To: Dwyer, Judy <Judy.Dwyer@dfo-mpo.gc.ca>

Cc: LaPointe, Jeanette <Jeanette.LaPointe@dfo-mpo.gc.ca>; Richer, Carol <Carol.Richer@dfo-mpo.gc.ca>;

Bellfof, Elyse <Elyse.Bellfof@dfo-mpo.gc.ca>

Subject: TR: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Importance: High

Another one for your approval. Same source document as the previous one (00238). In this one, we need to flag concerns about the accuracy of the audit findings/facts presented or reasonableness of the information contained in the chapter.

Annie

De : LaPointe, Jeanette

Envoyé : 8 août 2018 10:38

À : Verville, Josée Annie

Objet : RE: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Hi Annie,

Draft response attached for your review.

Supplementary information to support the propose response:

In the period 2009-2018, 171 officers received training in Disentanglement support Level 1. In 2014-2018, 148 officers received training in Martine Mammal Stranding response. In the period 2013-2017, 114 officers received training for Sea Turtle response, identification and sample collection. With 516 frontline officers on duty (2017 total), and this represents at least one fifth of the force having received training on one or more of these response techniques.

The Department has purchased satellite tags and related equipment such as knives, grappling hooks, and safety gear to assist in disentanglement response. It has also purchased pontoons to respond to stranding events.

Merci!

Jeanette LaPointe

Senior Program Officer

Conservation & Protection Branch

Fisheries and Oceans Canada

From: Bellfof, Elyse

Sent: 2018-August-07 1:45 PM

To: LaPointe, Jeanette; Verville, Josée Annie

Cc: Richer, Carol

Subject: FW: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Hi girls,

Sorry for the lateness. Still catching up on emails since last week was hectic. I think I forgot to send this one to you guys.

For your action.

Thanks,

Elyse

Tel.: 613-990-1513 | Off.: 13W106

From: Iacovitti, Michelle
Sent: July-31-18 3:55 PM
To: Bellfooy, Elyse; Pellerin, Patricia
Cc: Richer, Carol; Kaleta, Michelle; Patrick, Lindsey
Subject: FW: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

Good afternoon

Please see the audit request below for review/comments and approval. **Please provide your DG's' approved comments to ADMO, Aug 6 @ noon.**

Thank you

Michelle Iacovitti

Fisheries and Harbour Management
 GCCMS Coordinator
 ADM's Office
 13W087
 613-998-1736

From: Gautam, Brigitte **On Behalf Of** Primeau, Nicole
Sent: 2018-July-31 3:15 PM
To: Morel, Philippe; Lapointe, Sylvie; McPherson, Arran; Smith, Andy; Pelletier, Mario; Sharzer, Stephen (DOJ); Hubley, Marian
Cc: Baril, France; Laveaux, Cassandre; Gautam, Brigitte; Coache, Stephanie; Levita, Leslie; Pelchat, Bernadette; Kempster, Carol Ann; Rick Smith [REDACTED]; 'Kathy's Email' [REDACTED]; [REDACTED]; Blewett, Catherine; Kahn, Zoe; Stringer, Kevin; Khwaja, Saba; Longtin, Jean; Jarjour, Jasmine; Malko, Carol; Hutchinson, Jeffery; Mackenzie, Joey; Hill, Johanna; Richter, Julie; Villeneuve, Anne-Marie; Daspe, Caroline; Genier, Sylvie; Patrick, Lindsey; Kaleta, Michelle; Iacovitti, Michelle; White, Andrea; Armstrong, Carolyn; Charbonneau, France; Boudreau, Carol-Ann; Langille, Kaylee (DOJ); O'Brien, Jackie; Legal.Correspondence / Correspondance.Juridique (DFO-MPO); Lachapelle, Edith; Morris, Christina; Kelley, Jason; Marier, Marie-Michele; Landry, Josée; Moreau, Émilie; Lebel, Mathieu; Mainville, Michel R
Subject: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

GCCMS # 2018-014-00234

This will be in GCCMS shortly

The Office of the Commissioner of the Environment and Sustainable Development (CESD) is concluding the reporting phase of the Performance Audit on the *Protection of Marine Mammals*, scheduled for tabling in the Fall 2018.

The Deputy Minister's transmission draft has been received for final acceptance. If you have any further concerns about the accuracy of the audit findings/facts presented or reasonableness of the information contained in the chapter, please convey them using the attached template (*Table for Comments*). **Only major concerns should be identified at this point.**

- Note that the Department's responses to recommendations in par. 56 and 82 are pending. These have not been included in the DM draft report as previously agreed with CESD.

Please provide your Assistant Deputy Ministers' approved comments to **Cassandre Laveaux** (Cassandre.Laveaux@dfo-mpo.gc.ca) with a CC to **France Baril** (France.Baril@dfo-mpo.gc.ca), **Brigitte Gautam** (Brigitte.Gautam@dfo-mpo.gc.ca) and **Leslie Levita** (Leslie.Levita@dfo-mpo.gc.ca) **by August 7, 2018 at 12:00 pm (Eastern Time).**

Internal Audit will coordinate the Department's comments on the Deputy Minister's transmission draft chapter and prepare the Deputy Minister's response to the CESD.

Please note that sections of the chapter that are shaded illustrate the content that will be included in "Audit at a Glance", the Office of the Auditor General's online report navigation tool.

Instructions for Controlled documents

The draft chapter is a controlled document and must be kept confidential. It is labelled "NOT TO BE COPIED", Property of the Office of the Auditor General of Canada, Protected A". Therefore, until the respective report is tabled in the House of Commons, please treat this document with the appropriate discretion.

If you have any questions or concerns, please do not hesitate to contact **Stephanie Coache** (Director, Professional Practices) at 613-240-1217. Please contact **Cassandre Laveaux** (Cassandre.Laveaux@dfo-mpo.gc.ca) or **Brigitte Gautam** (Brigitte.Gautam@dfo-mpo.gc.ca) should you experience any technical difficulties accessing the DM Draft.

Attachments (2):

- 1) *DM draft – English and French*
- 2) *Template - Table for Comments*

Thank you,

Nicole Primeau, CPA, CMA, CIA, CRMA

Chief Audit Executive, Internal Audit Directorate
Fisheries and Oceans Canada | Government of Canada
nicole.primeau@dfo-mpo.gc.ca | Tel: 613.949.0303

Dirigeante principale de la vérification, Direction générale de la vérification interne
Pêches et Océans Canada | Gouvernement du Canada
nicole.primeau@dfo-mpo.gc.ca | Tél: 613.949.0303

Sector/Region: C&P NHQ

TABLE FOR COMMENTS
DEPUTY MINISTER'S TRANSMISSION DRAFT (DM DRAFT)
PERFORMANCE AUDIT ON THE PROTECTION OF MARINE MAMMALS

SECTION NUMBER	COMMENTS	PROPOSED CHANGES + evidence
12	With regard to the comment that DFO lacked resources and training to support organizations responding to marine mammal, the Department disagrees as it appears that recent investments in training and equipment have not been taken into account.	
80	With regard to the comment that DFO lacked resources and training to support organizations responding to marine mammal, the Department disagrees as it appears that recent investments in training and equipment have not been taken into account.	
82	With regard to the comment that DFO lacked resources and training to support organizations responding to marine mammal, the Department disagrees as it appears that recent investments in training and equipment have not been taken into account.	The Department disagrees with that finding as it has invested significant resources since 2009 to train fishery officers on distentanglement support, stranding response, and sea turtle response. It has also purchased equipment to support these activities. The Department has also developed operational procedures and safe work procedures to guide the work during these activities. These investments are supported by the \$1 million enveloped received by the Conservation and Protection Program under the Oceans Protection Plan.

Note: Please ensure not to retype sections of the DM draft; instead, please make a reference to the paragraph # and sentence.

ADM Sector signature: _____

Date: _____

Kempster, Carol Ann

From: Lachapelle, Edith
Sent: August-03-18 4:16 PM
To: Gautam, Brigitte; Laveaux, Cassandre
Cc: Savoie, Marc [Ottawa]; Kelley, Jason; Morris, Christina
Subject: RE: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

No comments from communications.

From: Gautam, Brigitte **On Behalf Of** Primeau, Nicole
Sent: July-31-18 3:15 PM
To: Morel, Philippe; Lapointe, Sylvie; McPherson, Arran; Smith, Andy; Pelletier, Mario; Sharzer, Stephen (DOJ); Hubley, Marian
Cc: Baril, France; Laveaux, Cassandre; Gautam, Brigitte; Coache, Stephanie; Levita, Leslie; Pelchat, Bernadette; Kempster, Carol Ann; Rick Smith [REDACTED]; 'Kathy's Email' [REDACTED]; [REDACTED] Blewett, Catherine; Kahn, Zoe; Stringer, Kevin; Khwaja, Saba; Longtin, Jean; Jarjour, Jasmine; Malko, Carol; Hutchinson, Jeffery; Mackenzie, Joey; Hill, Johanna; Richter, Julie; Villeneuve, Anne-Marie; Daspe, Caroline; Genier, Sylvie; Patrick, Lindsey; Kaleta, Michelle; Iacovitti, Michelle; White, Andrea; Armstrong, Carolyn; Charbonneau, France; Boudreau, Carol-Ann; Langille, Kaylee (DOJ); O'Brien, Jackie; Legal.Correspondence / Correspondance.Juridique (DFO-MPO); Lachapelle, Edith; Morris, Christina; Kelley, Jason; Marier, Marie-Michele; Landry, Josée; Moreau, Émilie; Lebel, Mathieu; Mainville, Michel R
Subject: FOR ACTION: 2018-014-00234 // DM DRAFT: Performance Audit on the Protection of Marine Mammals

GCCMS # 2018-014-00234

This will be in GCCMS shortly

The Office of the Commissioner of the Environment and Sustainable Development (CESD) is concluding the reporting phase of the Performance Audit on the *Protection of Marine Mammals*, scheduled for tabling in the Fall 2018.

The Deputy Minister's transmission draft has been received for final acceptance. If you have any further concerns about the accuracy of the audit findings/facts presented or reasonableness of the information contained in the chapter, please convey them using the attached template (*Table for Comments*). **Only major concerns should be identified at this point.**

- Note that the Department's responses to recommendations in par. 56 and 82 are pending. These have not been included in the DM draft report as previously agreed with CESD.

Please provide your Assistant Deputy Ministers' approved comments to Cassandre Laveaux (Cassandre.Laveaux@dfo-mpo.gc.ca) with a CC to France Baril (France.Baril@dfo-mpo.gc.ca), Brigitte Gautam (Brigitte.Gautam@dfo-mpo.gc.ca) and Leslie Levita (Leslie.Levita@dfo-mpo.gc.ca) by **August 7, 2018 at 12:00 pm (Eastern Time).**

Internal Audit will coordinate the Department's comments on the Deputy Minister's transmission draft chapter and prepare the Deputy Minister's response to the CESD.

Please note that sections of the chapter that are shaded illustrate the content that will be included in "Audit at a Glance", the Office of the Auditor General's online report navigation tool.

Instructions for Controlled documents

The draft chapter is a controlled document and must be kept confidential. It is labelled "NOT TO BE COPIED", Property of the Office of the Auditor General of Canada, Protected A". Therefore, until the respective report is tabled in the House of Commons, please treat this document with the appropriate discretion.

If you have any questions or concerns, please do not hesitate to contact Stephanie Coache (Director, Professional Practices) at 613-240-1217. Please contact Cassandra Laveaux (Cassandra.Laveaux@dfo-mpo.gc.ca) or Brigitte Gautam (Brigitte.Gautam@dfo-mpo.gc.ca) should you experience any technical difficulties accessing the DM Draft.

Attachments (2):

- 1) *DM draft – English and French*
- 2) *Template - Table for Comments*

Thank you,

Nicole Primeau, CPA, CMA, CIA, CRMA

Chief Audit Executive, Internal Audit Directorate
Fisheries and Oceans Canada | Government of Canada
nicole.primeau@dfo-mpo.gc.ca | Tel: 613.949.0303

Dirigeante principal de la vérification, Direction générale de la vérification interne
Pêches et Océans Canada | Gouvernement du Canada
nicole.primeau@dfo-mpo.gc.ca | Tél: 613.949.0303

Pelchat, Bernadette

From: Daspe, Caroline
Sent: August-10-18 11:46 AM
To: Primeau, Nicole; Jarjour, Jasmine; Kahn, Zoe
Cc: Levita, Leslie; Gautam, Brigitte; Pelchat, Bernadette; Kempster, Carol Ann; Coache, Stephanie; Morel, Philippe; McPherson, Arran; Lapointe, Sylvie; Patrick, Lindsey; Armstrong, Carolyn; Baril, France
Subject: RE: Summary of DM Draft - CESD Protection of Marine Mammals

Good day,

This is approved by Philippe Morel, ADM Aquatic Ecosystems.

Merci

Caroline Daspe

Document control and administrative officer | Agente contrôle des documents et administration
Aquatic Ecosystems | Secteur des écosystèmes aquatiques
Fisheries and Oceans Canada/Pêches et océans Canada
Tel: 613-990-7110
Caroline.Daspe@dfo-mpo.gc.ca

From: Baril, France On Behalf Of Primeau, Nicole
Sent: August-10-18 9:28 AM
To: Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>
Cc: Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Gautam, Brigitte <Brigitte.Gautam@dfo-mpo.gc.ca>; Pelchat, Bernadette <Bernadette.Pelchat@dfo-mpo.gc.ca>; Kempster, Carol Ann <CarolAnn.Kempster@dfo-mpo.gc.ca>; Coache, Stephanie <Stephanie.Coache@dfo-mpo.gc.ca>; Primeau, Nicole <Nicole.Primeau@dfo-mpo.gc.ca>; Morel, Philippe <Philippe.Morel@dfo-mpo.gc.ca>; McPherson, Arran <Arran.McPherson@dfo-mpo.gc.ca>; Lapointe, Sylvie <Sylvie.Lapointe@dfo-mpo.gc.ca>; Patrick, Lindsey <Lindsey.Patrick@dfo-mpo.gc.ca>; Armstrong, Carolyn <Carolyn.Armstrong@dfo-mpo.gc.ca>; Daspe, Caroline <Caroline.Daspe@dfo-mpo.gc.ca>; Baril, France <France.Baril@dfo-mpo.gc.ca>
Subject: RE: Summary of DM Draft - CESD Protection of Marine Mammals
Importance: High

Hi Jasmine, Zoe,

Just wanted to give you a heads-up that while significant changes were made to the report, upon closer review by the sectors, there appears to still be a number of outstanding inaccuracies in the DM draft. Attached is a list of consolidated comments we received from the sectors. We are still waiting on a few final approvals on this consolidated table, but it will give you an idea of the issues at play.

We will be sending up a briefing note for the DM's decision today (as soon as we get the final approval on the consolidated table of comments from sectors). Usually, at this point in time, the CESD requests that the Deputy sign off on the report, noting that it is factually accurate (sign-off requested by August 15, 2018). You will note that our recommendation in the BN is that the DM sign-off on a letter that acquiesces that the report is factually based, but that inaccuracies remain. We have been in touch with our colleagues in other Departments, and they have also noted certain inaccuracies (see attached).

In the meantime, in order to address these outstanding issues, the Internal Audit Directorate will follow-up with the CESD audit team to determine how they will address the proposed changes in the final report before tabling. Once outstanding issues have been resolved, a letter stating that the report is factually accurate will be sent out to the CESD, as requested.

If required, we can brief MINO in person, however, a briefing note is being prepared.

Please let us know if you have any questions.

Thanks, Leslie (for Nicole Primeau)

Leslie Levita

Senior Director, Internal Audit Services
Fisheries and Oceans Canada / Government of Canada
leslie.levita@dfo-mpo.gc.ca / Tel: 613-993-4890

Directrice principale, Services de la vérification interne
Pêches et Océans Canada / Gouvernement du Canada
leslie.levita@dfo-mpo.gc.ca / Tél. : 613-993-4890

From: Coache, Stephanie

Sent: Wednesday, August 1, 2018 2:36 PM

To: Jarjour, Jasmine <Jasmine.Jarjour@dfo-mpo.gc.ca>; Primeau, Nicole <Nicole.Primeau@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>

Cc: Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Baril, France <France.Baril@dfo-mpo.gc.ca>; Gautam, Brigitte <Brigitte.Gautam@dfo-mpo.gc.ca>; Pelchat, Bernadette <Bernadette.Pelchat@dfo-mpo.gc.ca>; Kempster, Carol Ann <CarolAnn.Kempster@dfo-mpo.gc.ca>

Subject: RE: Summary of DM Draft - CESD Protection of Marine Mammals

Hi Jasmine!

The significant changes we had were integrated in the DM draft.

Thank you,
Stephanie

From: Jarjour, Jasmine

Sent: Wednesday, August 1, 2018 1:12 PM

To: Primeau, Nicole <Nicole.Primeau@dfo-mpo.gc.ca>; Kahn, Zoe <Zoe.Kahn@dfo-mpo.gc.ca>

Cc: Levita, Leslie <Leslie.Levita@dfo-mpo.gc.ca>; Coache, Stephanie <Stephanie.Coache@dfo-mpo.gc.ca>; Baril, France <France.Baril@dfo-mpo.gc.ca>; Gautam, Brigitte <Brigitte.Gautam@dfo-mpo.gc.ca>; Pelchat, Bernadette <Bernadette.Pelchat@dfo-mpo.gc.ca>; Kempster, Carol Ann <CarolAnn.Kempster@dfo-mpo.gc.ca>

Subject: RE: Summary of DM Draft - CESD Protection of Marine Mammals

Thanks so much for the update Leslie/Nicole!

Overall, it sounds like there are a number of improvements to the report that provide a more accurate account of the measures in place. Are there any significant changes that the Department requested that were not integrated?
Jasmine

From: Gautam, Brigitte **On Behalf Of** Primeau, Nicole

Sent: August-01-18 1:03 PM

To: Kahn, Zoe; Jarjour, Jasmine

Cc: Primeau, Nicole; Levita, Leslie; Coache, Stephanie; Baril, France; Gautam, Brigitte; Pelchat, Bernadette; Kempster, Carol Ann
Subject: Summary of DM Draft - CESD Protection of Marine Mammals

Hi Zoe and Jasmine,

On July 31, 2018, CESD released the Transmission draft of the Performance Audit on Marine Mammals. Please find below the summary for your information.

A hard copy of the report will be delivered to DMO shortly.

Should you have any questions, please do not hesitate to contact myself, Stephanie or Brigitte.

Thank you.

Leslie on behalf of Nicole Primeau

While the report identifies some gaps with respect to DFO's work, CESD has incorporated a number of previously requested changes to the overall message, findings, scope, and recommendations.

- Overall message includes recognition of departmental efforts to implement measures since 2017, including measures to limit commercial fisheries and introduce vessel speed limits.
- Removed "limited" with reference to implementation of SARA measures, which includes note on 2017 and 2018 work to address threats directly for SRKW and NARW.
- Changes to language on the application of MPAs, which now focuses on the gaps of MPAs as a tool to protect marine mammals (does not significantly contribute) rather than the Department's unsuccessful application.
- The report acknowledges that while DFO may not have fully applied the available tools and policies to proactively reduce the threats of commercial fishing, recent measures have been implemented.
 - o Includes new text for the 2018 fishing season, including reporting of interactions, gear modifications/improved tracking, and fishery closures;
 - o Also notes the announcement on July 5, 2018, for IFMP for salmon on the west coast.
- Marine Mammal Regulations indicated that departments have begun taking the necessary steps to reduce threats from marine traffic:
 - o Paragraph on subsequent events (July 11, 2018 amendments under the Fisheries Act)
 - o Improved collaboration for SRKW and NARW since 2016
- The support for distressed marine mammals remains insufficient, however the report notes that since March 2018 DFO has made improvements to the program, including the budget announcement of \$1M annually.
 - o Also includes recent third-party engagement efforts

Conclusion:

- The conclusion is much more consistent with the department's current efforts to address the protection of marine mammals. While there are gaps still noted, the report acknowledges recent implementation of measures to reduce threats from commercial fisheries and marine vessels. CESD suggests that this change in approach could reduce the threats to SRKW, NARW, the St. Lawrence Estuary Beluga.

Recommendations: Sectors have been tasked to revise language of the management response to reflect the changes in the DM draft, as follows:

- Par 27: Department "agrees" to recommendation. Text should be updated to include timeline, propose reviewing outstanding actions, and develop implementation plan with dates.
- Par 42: Department "agrees" to recommendation.

- **Par 56: Department's response is pending revisions, and has not been included in the DM draft report as previously agreed upon. The recommendation has changed to "regular" assessments of the effectiveness as discussed with CESD.**
- **Par 71: Department "agrees" to recommendation.**
- **Par 82: Department's response is pending revisions, and has not been included in the DM draft report as previously agreed upon.**